

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

IN RE)	
)	
Edward Wallace,)	
Patsy Wallace,)	
)	Case No.: 10-52778
)	Chapter 13
Debtors.)	

AMENDED MOTION TO REINSTATE AND REQUEST FOR ADDITIONAL TIME

Come now the above-named Debtors, by and through counsel, Tara Kpere-Daibo of KD Law Group, LLC, and for their Motion to Reinstate state as follows:

1. On or about November 5, 2010, Debtors filed a Chapter 13 Bankruptcy case *pro se*.
2. Amended Schedules and an Amended Plan were filed by undersigned counsel on Debtors' behalf on December 23, 2010.
3. Debtors' initial confirmation hearing was scheduled for January 6, 2011, but was continued to allow the Chapter 13 Trustee's Office to review the Amended Plan and Schedules.
4. Debtors' case was dismissed on January 7, 2011 for failure to initiate plan payments.
5. On January 11, 2011, the Chapter 13 Trustee filed an *Objection to Debtors' First Amended Plan* and a new confirmation date was set for March 31, 2011.
6. On or about February 9, 2011, the Court entered an Order reinstating Debtors' Bankruptcy.
7. Due to an error in record-keeping/scheduling, counsel erroneously thought additional time remained to file an amended plan. As such, the failure to file an amended plan is the fault of undersigned counsel.
8. On April 1, 2011, this Court entered an order dismissing Debtors' Chapter 13 Bankruptcy

Case for failure to file an amended plan or request additional time for filing an amended plan.

9. Counsel's failure to file the amended plan or request for additional time was solely the fault of undersigned counsel and was not caused by the Debtors.
10. Debtors intend to file a *Notice of Conversion to Chapter 7* in lieu of an amended plan, but first seek reinstatement of their Chapter 13 Bankruptcy Case.
11. Local Rule 1017-2 permits a Debtor to file a *Motion to Reinstate* within fourteen (14) days of the Order for Dismissal for failure to file an confirmable plan.
12. Pursuant to L.R. 1017-2, Debtors provide the above paragraphs one through nine (1–9), inclusive, as support, good cause, and exceptional circumstances for their Motion to Reinstate. In addition, pursuant to L.R. 1017-2, Debtors provide the following required information:
 - a. Date of filing. Debtors agree to file either a *Notice of Conversion to Chapter 7* or an amended plan and schedules within fourteen (14) days of the Court's order reinstating this case.
 - b. List of cases filed by debtors in last eight years. Debtors filed a Ch. 13 Bankruptcy case on August 12, 2003, closed on January 11, 2007.
13. Therefore, based on the foregoing, Debtors request that the Court reinstate this Chapter 13 case and grant Debtors an extension of time to file a *Notice of Conversion to Chapter 7* or, if necessary, an amended plan and schedules in the Chapter 13 case.
14. Debtors proposed *Notice of Conversion to Chapter 7* is attached to this Motion (see Debtors' attached "Exhibit A"), but this Notice will be properly and separately filed upon Order of this Court reinstating Debtors' case.

15. On April 22, 2011, the Chapter 13 Trustee filed an objection to Debtors' Motion to Reinstate. To correct the deficiencies listed in the objection, Debtors seek leave to file this Amended Motion to Reinstate.

WHEREFORE, Debtors respectfully request this Court permit the filing of this Amended Motion to Reinstate and enter an Order reinstating this case and grant Debtors an extension of time to file the necessary documents and/or pleadings.

Respectfully Submitted,

KD Law Group, LLC

By: /s/ Tara Kpere-Daibo
Attorney for Debtors
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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of April 2011, the foregoing was served by electronic filing through the Case Management/Electronic Case Filing System.

/s/ Tara Kpere-Daibo